

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6741

BILL NUMBER: SB 173

NOTE PREPARED: Dec 15, 2004

BILL AMENDED:

SUBJECT: Neighborhood Impact Statements.

FIRST AUTHOR: Sen. Clark

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill allows a prosecuting attorney in a prosecution involving a controlled substance offense to submit a neighborhood impact statement describing the effect of the offense upon the neighborhood in which the offense was committed. It requires the court to consider a neighborhood impact statement when determining the sentence to impose for a controlled substance offense.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under this bill, when imposing a sentence for a crime involving controlled substances, the court would be required to consider any neighborhood impact statement that is prepared by the prosecuting attorney. To the extent that the court would impose a longer sentence based on a neighborhood impact statement, defendants would have a longer length of stay in Department of Correction facilities. There are no data available to indicate how neighborhood impact statements would affect sentencing patterns.

The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: The prosecuting attorney would have the discretion to prepare a

neighborhood impact statement to be presented at the sentencing of a defendant who has been convicted of violating an offense relating to one or more controlled substances. The penalty for violating a controlled substance chapter can range from a Class A infraction for manufacturing or possessing drug paraphernalia to a Class A felony for dealing in cocaine or a narcotic drug.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Prosecuting attorneys, trial courts with criminal jurisdiction.

Information Sources:

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